In the Supreme Court of the United States

OCTOBER TERM, 1965

No. 274

THE HONORABLE CASPER PLATT, CHIEF JUDGE, UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF ILLINOIS, PETITIONER

v.

MINNESOTA MINING AND MANUFACTURING COMPANY

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM SUGGESTING MOOTNESS

The petition for a writ of certiorari in this case, filed on June 18, 1965, sought review of an order of the Court of Appeals for the Seventh Circuit directing that a writ of mandamus issue requiring Judge Platt to transfer a criminal antitrust case for trial from the United States District Court for the Eastern District of Illinois to the District Court for the District of Minnesota.

On September 16, 1965, after the respondent filed its brief in opposition, Judge Platt died.

The criminal case was terminated on January 5, 1966, when another judge of the District Court for the

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Eastern District of Illinois (Judge Juergens) accepted respondent's pleas of *nolo contendere* to five counts of the indictment (to which the government did not object), imposed a $190,000 fine upon the respondent, and, on the government's motion, dismissed the remaining four counts. In view of this disposition of the case, any issue as to the proper district for its trial is moot. Accordingly, the Court should grant the petition for a writ of certiorari, vacate the judgment of the court of appeals, and remand the case to that court with instructions to dismiss the mandamus proceeding as moot. See *United States* v. *Munsingwear, Inc.*, 340 U.S. 36, 39–41. In the circumstances, there is no occasion for the Court to consider what the effect of Judge Platt's death would be upon the continued maintenance of the mandamus proceeding.

Respectfully submitted.

THURGOOD MARSHALL,
Solicitor General.

JANUARY 1966.

U.S. GOVERNMENT PRINTING OFFICE: 1966